

# **Exhibit E**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

Stephanie McCollum, *et al.*,  
Plaintiffs,

v.

Brad Livingston, *et al.*,  
Defendants.

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Civil Action No. 3:12-CV-02037

JURY DEMAND

**DEFENDANT TEXAS DEPARTMENT OF CRIMINAL JUSTICE'S RESPONSES  
TO PLAINTIFF STEPHEN MCCOLLUM'S SECOND SET OF REQUESTS FOR  
PRODUCTION AND INTERROGATORIES AND FIRST SET OF REQUESTS  
FOR ADMISSIONS**

**TO:** Jeff Edwards, The Edward Law Firm, The Bremond Houston House, 706 Guadalupe, Austin, Texas 78701; Scott Medlock, Brian McGiverin, James C. Harrington, Texas Civil Rights Project, 1405 Montopolis Drive, Austin, Texas 78741; and Eliot Shavin, 2600 State Street, Dallas, Texas 75204

COMES NOW the Defendant, Texas Department of Criminal Justice, by and through counsel, the Texas Attorney General's Office, and offers the following **Defendant Texas Department of Criminal Justice's Responses to Plaintiff Stephen McCollum's Second Set of Requests for Production and Interrogatories and First Set of Requests for Admissions.**

Respectfully submitted,

**GREG ABBOTT**  
Attorney General of Texas

**DANIEL T. HODGE**  
First Assistant Attorney General

**DAVID C. MATTAX**  
Deputy Attorney General for Defense Litigation

**KAREN D. MATLOCK**  
Assistant Attorney General  
Chief, Law Enforcement Defense Division



**BRUCE R. GARCIA**

Assistant Attorney General

Attorney in Charge

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Austin, Texas 78711

(512) 463-2080 / Fax (512) 495-9139

**ATTORNEYS FOR DEFENDANTS TEXAS**

**DEPARTMENT OF CRIMINAL JUSTICE,**

**BRAD LIVINGSTON AND JEFF PRINGLE**

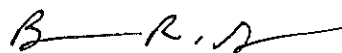
**CERTIFICATE OF SERVICE**

I, **BRUCE R. GARCIA**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendant Texas Department of Criminal Justice's Responses to Plaintiff Stephen McCollum's Second Set of Requests for Production and Interrogatories and First Set of Requests for Admissions** has been served by placing same in the United States Mail, postage prepaid, on February 27, 2013 addressed to:

Jeff Edwards  
The Edwards Law Firm  
The Bremond Houston House  
706 Guadalupe  
Austin, Texas 78701

Scott Medlock  
Texas Civil Rights Project  
1405 Montopolis Drive  
Austin, Texas 78741

Eliot Shavin  
2600 State Street  
Dallas, Texas 75204



**BRUCE R. GARCIA**

Assistant Attorney General

56. Admit you have no documents, including any diagrams or pictures, related to the structure and function of any ventilation system (including, but not limited to, the air handlers, and fans) at the Hutchins Unit.

**RESPONSE: Deny.**

57. Admit you have no diagram of the Hutchins Unit identifying which portions (if any) of the facility are air conditioned.

**RESPONSE: Admit.**

58. Admit you have no diagram of the Hutchins Unit showing locations where Larry McCollum was housed prior to his death.

**RESPONSE: Deny.**

59. Admit you have no documents that list which areas of Hutchins Unit are air conditioned.

**RESPONSE: Deny, see documents produced at deposition of Kim Fargason.**

60. Admit you have no documents that list which areas of Hutchins Unit that are not air conditioned.

**RESPONSE: Deny, see documents produced at deposition of Kim Fargason.**

61. Admit TDCJ has not taken any disciplinary actions against staff members for failing to comply with TDCJ policies regarding heat at the Hutchins Unit.

**RESPONSE: OBJECTION, over broad and undue burden and not limited in time or scope. Subject to and without waiving, defendants are unaware of any violations by employees regarding heat at the Hutchins facility, Admit.**

62. Admit TDCJ has not taken any disciplinary actions against staff members at the Hutching [sic] Unit for failing to comply with TDCJ policies regarding heat.

**RESPONSE: See response to No. 62.**

63. Admit you took no steps to protect Larry McCollum from heat index temperatures in the Hutchins Unit.

**RESPONSE: Deny.**

64. Admit that TDCJ receives federal funding.